

# CM/ECF NEWS

U.S. District Court, Western District of New York

April 2004

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## *ECF Filing Tips*

From our experience using the Electronic Filing System (ECF), we have assembled some pointers to make your filing experience more successful.

**(1) New Cases:** When filing a new case, in addition to filing a paper copy of the complaint, litigants are required to provide a disk or CD ROM containing PDF versions of the complaint and accompanying documents. Each exhibit to the complaint shall be a separate PDF file.

**(2) Attachments to Main Documents:** If you have exhibits to your main document, there are two different methods you may use to attach them. If you would like each exhibit to be noted individually in the docket text entry, each exhibit should be a separate .pdf file. Each of these .pdf files may be attached to your entry. A sample docket text entry is: *Motion to dismiss by defendant (Attachment #1 Exhibit A, Attachment #2 Exhibit B...)*. If you do not want to separate your exhibits, they may be attached to your document as one .pdf file. A sample of this type of docket text entry is: *Motion to dismiss by defendant (Attachment #1 Exhibits A-D)*.

**(3) Motions and Oppositions Must be Filed Separately:** Filing a motion that includes an opposition creates significant docketing problems. If you combine a motion and opposition in the same pleading, you must file it twice – once as an opposition and again as a motion. Each filing should include the same PDF document file.

**(4) When Filing a Motion, Should My Supporting Documents Be Filed as Attachments or Individually:** Before proceeding, ask yourself - How did I file them before electronic filing? If you filed them as individual documents (each receiving their own file stamp), you may continue to electronically file your documents in the same fashion. If you filed the documents as one document with your supporting papers (affidavits, memorandum, statement of facts...) attached, you may continue to do so electronically.

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## Electronic Filing in the News

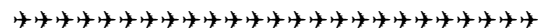
A Google search of “electronic filing federal court” notes some interesting articles. Links to two of them are:

<http://www.tilj.com/content/litigationheadline11159901.htm>

<http://www.lawtechnology.org/research/efiling/home.html>

## ECF Facts and Stats

- Over 1250 attorneys are registered for ECF in the Western District of New York
- Since going live on October 6, 2003, we have opened over 800 civil cases and over 490 criminal and petty offense cases in ECF.
- Over two million records were converted to ECF in October 2003 without error.
- ECF implementation is underway in 70 district courts, and 44 of those courts are operational.
- Eastern District of New York has recorded a filing e-filed from an airplane flying over Mongolia.
- The entire ECF database is dynamically “replicated” on a server based in Washington DC in case anything ever happens to our server in Buffalo.
- In the first 3 months of 2004, attorneys logged over 4,125 transactions on our ECF system.
- For the month of March 2004, attorneys docketed 17% of the total docket entries logged (1,618 out of 9,762 entries). This has grown from 6% in January 2004.
- One-quarter of the registered attorneys in WDNY have used ECF to file a document.



# Be Careful When Using Electronic Redaction

Courtesy of Luta Pleiss, District of Nebraska

With the E-Government Act of 2002 in effect, the redaction of personal data identifiers from all civil pleadings is now a necessity. When redacting information, be careful of the method being used.

A redacted Department of Justice document released under the Freedom of Information Act was converted back to the full unmodified document and made available on the Internet. Sections of the document had been redacted using the highlighting function of a word processing system to overlay sections with black highlighting (black highlighting over black text hides the text). The redacted document was converted to a PDF document. Since neither the highlighting nor the conversion to the PDF format overwrote the original text, removing the highlighting to reveal the hidden text was very simple.

In another instance, CIA documents published by the New York Times were redacted by overlaying a black box on entire paragraphs of text. On slower computers the document, in its entirety, appeared on the screen first and the black box appeared seconds later, allowing viewers a quick peak at the text. Even on fast computers, using tools available within the full version of Adobe, a viewer could simply remove the overlay.

One solution is to use Appligent's Redax software. It is a plug-in to Adobe Acrobat 4.0 and higher, and allows users to easily and permanently delete information from PDF documents. The U.S. Department of Justice has implemented Redax in seven different divisions, including the U.S. Attorneys' offices.



## "I'm having trouble using your new QVC system"

Contributed by Jean Marie McCarthy

The above is a recent quote from a new user to the system who was working very hard to file a pleading. Filing on QVC is not recommended as they won't serve opposing counsel. You can, however, get a good deal on jade jewelry.

Filing on CM/ECF is much easier, and if you attend one of our hands-on sessions it's a breeze. The Court is currently offering training to all attorneys and support staff that allows them the opportunity to practice e-filing. Classes are small with no more than six students. Each student has a computer and is guided through a series of e-filings. Everyone has ample opportunity to ask questions and the trainers offer helpful hints to make e-filing pain free.

Anyone interested in attending a session should contact either Suzanne Grunzweig or Tricia O'Fray to sign up. Suzanne handles training in Buffalo and her number is 716-332-1712. Tricia handles training in Rochester and her number is 585-613-4018.

If you have 20 or more people, contact Pat Healy to set up an on-site demonstration. This would not be a hands-on training class for the attorneys, but Pat will connect to our training database and demonstrate how to log on and docket.

## Adobe Acrobat 6.0

Adobe Acrobat 6.0 is compatible with CM/ECF, however, PDF documents created with 6.0 cannot always be read by lower versions of Acrobat. Therefore, if you install Acrobat 6.0 Standard or Professional versions, you must change the settings to make your PDF documents compatible with prior versions. More information on Adobe 6.0 and instructions for changing the default settings can be found on our web site. Look on the CM/ECF Tutorial/Manual page, under the Checking Document Properties link (you have to scroll down to find it). Before installing any new version of Adobe Acrobat, it is important to completely uninstall prior versions. You can get installation instructions from the Adobe web site.

## Other Sources for ECF Info and FAQs

Courts on ECF are encouraged to create their own web resources for users. Some of the best web sites for ECF information are: Washington Western District Court, [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov); and District of Nebraska, [www.ned.uscourts.gov](http://www.ned.uscourts.gov). To find all federal court web sites, go to: [www.uscourts.gov](http://www.uscourts.gov) and click on Court Links at the top of the page. Then click on the Circuit or District you want to visit. Also, from [www.uscourts.gov](http://www.uscourts.gov) you can click on "Electronic Access to the Courts" to access information on the Judiciary's Privacy Policy and CM/ECF Policy.

### PDF Web Sites

#### **Redax by Appligent**

<http://www.appligent.com/>

A redaction software plug-in for Adobe Acrobat that is designed to completely remove text and scanned images from PDF documents.

#### **PDF for Lawyers**

<http://www.pdfforallawyers.com/>

Using PDFs in the practice of law.

#### **Planet PDF**

<http://www.planetpdf.com/>

PDF news, tips and tools.

#### **PDFZone**

<http://www.pdfzone.com/>

More PDF news, tips and tools.

## ECF Version 2 Changes

We will be installing Version 2 over the summer months. Keep an eye on our web page for announcements. There may be some short interruptions in service, especially over weekends.

- Your Utilities menu has the following added links: **Change Client Code**, **Review Billing History** and **Show PACER Account**. You will no longer need to refresh your screen if you log in first as a PACER user and then log back in as a filer.
- The three legal research programs (**Law Dictionary**, **Medical Dictionary** and **Westlaw via the Internet**), now open up in separate browser windows allowing you to return to the original point of departure in the current browser session. Also, **LexisNexis** has been added.
- The Civil and Criminal Cases reports now provide an option to receive output in pipe-delimited format (data only) in addition to the HTML format (formatted display). You may save the pipe-delimited data to a file.
- Descriptions on the PACER Billing Transaction Receipts more clearly define the search performed.
- Version 2.0 is compatible with recent upgrades of Netscape and Internet Explorer. All users will be able to use Netscape version 7.NN and Internet Explorer version 6.NN.
- **Your free look for accessing documents via your e-mail notification has been reduced from thirty to fifteen days.**

### CM/ECF Contacts:

Jeanne Spampata	716-332-1756
Pat Healy	716-332-1770
Jean Marie McCarthy	716-332-1711
Buffalo Help Desk	716-332-1775
Rochester Help Desk	585-613-4036